

REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested. Claims 59-86 were pending. Claims 59-67 have been canceled without acquiescing to the rejections in the Office Action or prejudice to future prosecution in a related application. New claims 87-97 have been added. Accordingly, claims 68-97 are pending.

As an initial matter, Applicants thank the Examiner for noting that claims 68-82 and 86 are allowable if claim 68 is rewritten in independent form and includes all of the limitations of the base claim and any intervening claims. Claim 68 has been amended to be in independent form. Amended claim 68 includes all the limitations of previously pending claim 59 to which previously pending claim 68 referred to except that the phrase "DNA fragments" has been replaced with "nucleic acid fragments." Such a replacement has been made to ensure the consistent use of the phrase "nucleic acid fragment" in amended claim 68 (*i.e.*, in step (a) and in the language "wherein at least one tagged nucleic acid fragment is a compound of the formula"). Accordingly, claim 68 and claims 69-82 and 86, which depend on amended claim 68, are allowable.

Claims 81 and 83 have been amended to delete the language "X is defined according to claim 1; and." Because these claims refer to claim 68, and claim 68 provides a definition for "X," Applicants submit that amended claims 81 and 83 are definite. The deletion of the above-noted language from claims 81 and 83 eliminates the informality due to their reference to both claims 68 and 1 in their previously pending form.

As indicated above, claims 59-67 have been canceled without acquiescing to the rejections in the Office Action or prejudice to future prosecution in a related application. The cancellation of these claims has rendered both the rejection against claims 59-67 on the ground of non-statutory obviousness-type double patenting as unpatentable over claims 1-5, 8, and 11-13 of U.S. Patent No. 6,312,893 and the rejection against claims 59, 60 and 62 under 35 U.S.C. 102(e) as anticipated by Southern *et al.* (U.S. Patent No. 6,576,426) moot.

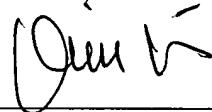
New claims 87-94 correspond to previously pending claims 60-67, but refer to claim 68, which has been amended to be in independent form. New claims 95-97 have been added to specify certain tagged nucleic acid fragments. Support for new claims 95-97 may be found, for example, at page 42, line 8 to page 44, line 3 of the present application. Applicants submit that all of the new claims depend on allowable claim 68, and are thus also allowable.

In summary, Applicants believe that all of the claims pending in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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